

Substitute Bill No. 642

February Session, 2006

\*\_\_\_\_\_SB00642ENV\_\_\_032006\_\_\_\_\*

## AN ACT CONCERNING CLEAN DIESEL AND BIODIESEL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. (NEW) (Effective July 1, 2006) (a) As used in sections 1 to 4,
- 2 inclusive, of this act:
- 3 (1) "Closed crankcase filtration system" means a system that
- 4 separates oil and other contaminants from the blow-by gases and
- 5 routes the blow-by gases into a diesel engine's intake system
- 6 downstream of the air filter;
- 7 (2) "Emergency contingency vehicle" means a bus placed in an
- 8 inactive contingency fleet for local emergencies, after the bus has
- 9 reached the end of its normal minimum useful life;
- 10 (3) "Full-sized school bus" means a school bus, as defined in section
- 11 14-275 of the general statutes, which is a Type I diesel school bus,
- 12 including spare buses operated by or under contract to a school
- district, but not including emergency contingency vehicles or low
- 14 usage vehicles;
- 15 (4) "Full-sized transit bus fleet" means a fleet of diesel buses owned
- or under contract to an operating division or a transit district, which
- 17 buses measure twenty-nine feet or longer in length, used to carry
- 18 passengers, including spare buses that meet said criteria, but not

- 19 including emergency contingency vehicles or low-usage vehicles;
- 20 (5) "Low usage vehicle" means a bus that operates for not more than 21 one thousand miles per year;
- 22 (6) "Model year 2007 emission standards" means on-road engine 23 emission standards promulgated by the federal Environmental 24 Protection Agency in 40 CFR Parts 69, 80 and 86.
- (7) "Nonroad engine" means an internal combustion engine, including the fuel system, (A) that is not used in a motor vehicle, (B) that is used in a vehicle used solely for competition, (C) that is not subject to standards promulgated under 42 USC 7411 or 42 USC 7521, or (D) that is used to power generators, compressors or similar equipment used in any construction program or project;
- 31 (8) "Operating division" means any express or local bus fleet 32 operated or contracted by a Department of Transportation Connecticut 33 Transit operating division serving the greater Hartford, New Haven, 34 or Stamford metro areas or any new division that may be added under 35 the authority of Connecticut Transit;
- 36 (9) "Tier 4 emission standards" means nonroad engine emission 37 standards promulgated by the federal Environmental Protection 38 Agency in 40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1048, 1051, 1065 and 39 1068;
- 40 (10) "Transit district" means a provider of public transportation 41 services pursuant to section 7-273b of the general statutes;
- 42 (11) "Ultra low sulfur diesel fuel" means on-road diesel fuel that 43 meets the sulfur content standards promulgated by the federal 44 Environmental Agency in 40 CFR Part 80;
- (12) "Verified alternative fuel" means an alternative fuel that has been verified by the federal Environmental Protection Agency or the California Air Resources Board to reduce particulate matter emissions from an engine;

- 49 (13) "Verified emissions control device" means a device that has
- 50 been verified by the federal Environmental Protection Agency or the
- 51 California Air Resources Board to reduce particulate matter emissions
- 52 from an on-road engine using ultra-low sulfur diesel fuel by a given
- 53 amount;
- 54 (14) "Level 1 device" means a verified emissions control device that
- achieves greater than or equal to twenty-five per cent, but less than
- 56 fifty per cent, particulate matter reduction;
- 57 (15) "Level 2 device" means a verified emissions control device that
- achieves greater than or equal to fifty per cent, but less than eighty-five
- 59 per cent, particulate matter reduction; and
- 60 (16) "Level 3 device" means a verified emissions control device that
- achieves greater than or equal to eighty-five per cent particulate matter
- 62 reduction or a particulate matter emission standard of 0.01 grams per
- 63 brake horsepower-hour.
- Sec. 2. (NEW) (Effective July 1, 2006) (a) On and after September 1,
- 65 2008, a full-sized school bus with an engine model year of 1993 or
- older shall not be used to transport children in the state and not later
- than September 1, 2008, a full-sized school bus with an engine model
- 68 year of 2006 or older shall be operated with a closed crankcase
- 69 filtration system;
- 70 (b) Not later than September 1, 2010, full-sized school buses
- 71 transporting children in the state shall either (1) be equipped with a
- 72 level 1, level 2 or level 3 device, (2) be equipped with an engine
- 73 certified by the federal Environmental Protection Agency to meet
- 74 model year 2007 emission standards, (3) use compressed natural gas or
- other alternative fuel verified by the federal Environmental Protection
- 76 Agency or the California Air Resources Board to reduce particulate
- 77 matter emissions by not less than twenty-five per cent compared to
- 78 ultra-low sulfur diesel fuel, or (4) use biodiesel fuel.
- 79 (c) The Commissioner of Administrative Services, in consultation

- with the Commissioner of Environmental Protection, shall develop procurement contracts for (1) the purchase of new school buses compliant with model year 2007 emission standards, (2) level 1, level 2 and level 3 devices, (3) closed crankcase filtration systems, and (4) biodiesel fuel. Said procurement contracts shall be made available to municipalities and private school bus operators on the procurement section of the Department of Administrative Services' Internet web site, in a category that clearly identifies the product to municipalities and private school bus operators.
  - (d) The Commissioner of Administrative Services, in consultation with the Commissioner of Environmental Protection, shall develop an outreach plan and materials for educating local and regional boards of education and bus companies about the requirements of this section.
  - (e) A municipality or a private bus owner who violates the provisions of this section shall pay a civil penalty of not more than five thousand dollars for each offense and, in the case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense. The Attorney General, upon complaint of the Commissioner of Environmental Protection, shall institute an action in superior court for the judicial district of Hartford to recover such penalty. The department shall deposit penalties collected pursuant to this section into the diesel risk reduction account established pursuant to section 3 of this act.
  - Sec. 3. (NEW) (*Effective July 1, 2006*) There is established the "diesel risk reduction account", which shall be a separate, nonlapsing account within the General Fund. Penalties paid pursuant to sections 2 and 4 of this act and any other state, federal or private funds directed at low diesel projects shall be deposited into the account. The account may contain any moneys required by law to be deposited in the account. Investment earnings credited to the assets of the account shall become part of the assets of the account.
- 111 Sec. 4. (NEW) (Effective July 1, 2006) (a) The Commissioner of

- 112 Transportation, in consultation with the Commissioner of
- 113 Environmental Protection and the Commissioner of Motor Vehicles,
- shall provide incentive funds to municipalities and private school bus
- operators from the diesel risk reduction account established pursuant
- to section 3 of this act in accordance with the following:
- 117 (1) Not later than September 1, 2008, two hundred fifty dollars for 118 each closed crankcase filtration system retrofit device installed in a
- school bus with a model year of 1994 to 2006, inclusive;
- 120 (2) Not later than September 1, 2010, for the installation of a verified
- 121 emissions control device in a school bus with a model year of 1994 to
- 122 2006, inclusive, (A) one thousand dollars for a level 1 device, (B) two
- thousand dollars for a level 2 device, and (C) three thousand dollars
- 124 for a level 3 device.
- (b) The Commissioner of Transportation may annually evaluate the
- level of incentives to determine if they should be revised to foster
- 127 competition in the market for retrofit devices.
- 128 (c) To receive an incentive pursuant to this section, a municipality or
- a private school bus owner shall submit a form prescribed by the
- 130 Commissioner of Transportation to the Department of Transportation,
- which shall contain the school bus model and year, engine model and
- 132 year, vehicle identification number and date installed for every eligible
- bus, and a certification that buses will operate in the state for not less
- than four years after the date of installation of the emission control
- device, along with a receipt for the retrofit device.
- 136 (d) A municipality or a private bus owner who makes a false
- statement in an application pursuant to this section shall pay a civil
- penalty of not more than one thousand dollars for each offense. Each
- 139 violation shall be a separate and distinct offense. The Attorney
- 140 General, upon complaint of the Commissioner of Transportation, shall
- institute an action in superior court for the judicial district of Hartford
- 142 to recover such penalty. The department shall deposit penalties
- collected pursuant to this section into the diesel risk reduction account

- 144 established pursuant to section 3 of this act.
- Sec. 5. (NEW) (Effective July 1, 2006) The Department of Environmental Protection shall provide grants from the diesel risk reduction account established pursuant to section 3 of this act to municipalities, identified by the department to have high levels of ambient air pollution or high incidences of respiratory disease, to purchase school buses (1) with a model year of 2007 or later that has a level 3 device and closed crankcase filtration system installed, or (2) that use an alternative fuel, including, but not limited to, natural gas, provided the verified particulate matter emissions of the bus is not more than 0.01 grams per brake horsepower-hour.
- Sec. 6. (NEW) (*Effective July 1, 2006*) (a) Contractors and subcontractors working on construction projects (1) on or before July 1, 2006, that are funded by the state in full and valued over five million dollars, (2) after January 1, 2007, that are funded by the state in full, and (3) after July 1, 2007, that are funded by the state by fifty per cent or more shall comply with the provisions of this section.
  - (b) (1) Vehicles or equipment with on-road and nonroad diesel powered engines used in the project shall use on-road grade fuel, as defined by the federal Environmental Protection Agency;
    - (2) Vehicles or equipment with on-road and nonroad diesel powered engines that are on the project or are assigned to the project for a period of not less than thirty days with engine horsepower ratings of not less than fifty horsepower shall reduce diesel particulate matter emissions by at least twenty-five per cent compared to the emissions from an uncontrolled engine of identical make, class and model burning ultra-low sulfur diesel fuel by installing verified emission control devices or using verified alternative fuels, and shall not cause an increase in nitrogen oxides or other pollutants. The provisions of this subdivision shall not apply to nonroad diesel engines certified to Tier 4 emission standards and on-road diesel engines meeting model year 2007 emission standards;

- (3) Prior to construction, the contractor shall submit to the contracting agency a certified list of the vehicles or equipment with covered diesel engines that will be retrofitted with verified emission control devices or that will use verified alternative fuels, which shall include: (A) The equipment or vehicle number, type and make, (B) the equipment or vehicle emission control device make, model and federal Environmental Protection Agency, California Air Resources Board verification number, (C) the type and source of fuel to be used in the equipment or vehicle, and (D) the name of the contractor or subcontractor using the equipment or vehicle;
  - (4) The contractor shall submit to the contracting agency monthly updates of the information contained in subdivision (3) of this subsection, accompanied by copies of the alternative fuel delivery slips for the report time period, noting which vehicle or equipment received the fuel;
  - (5) The contractor shall establish truck-staging zones for diesel powered vehicles or equipment that are waiting to load or unload material at the contract area. Such zones shall be located where the diesel emissions from the trucks will have minimum impact on abutters and the general public;
  - (6) All work shall be conducted to minimize the impact on adjacent sensitive facilities including, but not limited to, hospitals, schools, daycare facilities, elderly housing and convalescent facilities. Measures to minimize the impact shall include, but not be limited to, locating vehicles or equipment with diesel powered engines away from fresh air intakes, air conditioners and windows; and
  - (7) The contractor shall submit a diesel emissions mitigation plan to an engineer employed or contracted by the contracting agency prior to commencing construction where work will be performed less than five hundred feet away from sensitive facilities, including, but not limited to, hospitals, schools, daycare facilities, elderly housing and convalescent facilities. The contractor shall not commence construction

- in said area until the engineer approves the mitigation plan. The mitigation plan shall address the control of diesel emissions from all diesel powered construction equipment and vehicles to be used at the area.
- (c) The contracting agency or the Department of Environmental Protection shall issue a notice of noncompliance to the contractor if any diesel powered construction equipment or vehicle does not comply with the provisions of this section. The contractor shall have a twenty-four-hour period in which to bring the equipment or vehicle into compliance or to remove it from the construction project. The contracting agency shall withhold payments for the work performed on any item on which the nonconforming equipment or vehicle was utilized for the time period during which the equipment or vehicle was out of compliance.
  - (d) Any costs associated with this section shall be included in the general cost of the contract.
- (e) On January 1, 2008, and biennially thereafter, the Commissioner of Environmental Protection, in consultation with other contracting agencies, shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the implementation of this section and to recommend any legislative changes to maximize diesel emission reductions.
- Sec. 7. (NEW) (Effective July 1, 2006) (a) Not later than December 31, 2010, all full-sized transit buses of model year 2006 or older serving a Department of Transportation Connecticut Transit operating division or a transit district shall be equipped with diesel particulate filters. Full-sized transit buses with Detroit Diesel Series 50 engines equipped with exhaust gas recirculation are exempt from this subsection until the Commissioner of Transportation determines that it is technically feasible to equip such buses with diesel particulate filters.
  - (b) Not later than January 1, 2007, and annually thereafter until 2010, the operator of each full-sized transit bus fleet shall publicly issue

- a reduction plan describing the number of buses to be fitted with diesel particulate filters in the reporting year. Such reduction plan shall be submitted to the Commissioner of Transportation.
- 243 (c) Not later than January 1, 2008, and annually thereafter until 2011, 244 the operator of each full-sized transit bus fleet shall submit a progress 245 report to the Commissioner of Transportation describing retrofit 246 installments to date, including, (A) the number of buses retrofitted, (B) 247 the vehicle number, type and make, and (C) the equipment or vehicle 248 emission control device make, model and federal Environmental 249 Protection Agency or California Air Resources Board Verification 250 number.
- 251 (d) Not later than February 1, 2008, and annually thereafter until 252 2011, the Commissioner of Transportation shall review progress 253 reports submitted pursuant to subsection (c) of this section and issue 254 an order determining each fleet's reduction plan. The Department of 255 Motor Vehicles shall not register or provide an inspection sticker for 256 any vehicle within any full-sized transit bus fleet without a showing by 257 the operator or applicant that such order indicates that fleet's 258 compliance with its reduction plan for the most recent year of 259 operation.
  - Sec. 8. Subdivision (67) of section 12-412 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):
  - (67) Sales of and the storage, use or other consumption, prior to July 1, 2008, of a new motor vehicle which is exclusively powered by a clean alternative fuel. As used in this subdivision and subdivisions (68) and (69) of this section, "clean alternative fuel" shall mean natural gas, hydrogen, biodiesel or electricity when used as a motor vehicle fuel or propane when used as a motor vehicle fuel if such a vehicle meets the federal fleet emissions standards under the federal Clean Air Act or any emissions standards adopted by the Commissioner of Environmental Protection as part of the state's implementation plan

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- 272 under said act.
- Sec. 9. Section 12-412 of the 2006 supplement to the general statutes
- 274 is amended by adding subdivision (117) as follows (Effective July 1,
- 275 2006):
- 276 (NEW) (117) Sales of new natural gas or diesel powered school
- buses with model years of 2007 to 2010, inclusive.
- Sec. 10. Section 14-26 of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective July 1, 2006*):
- 280 (a) Each owner or lessee of a motor bus, service bus, taxicab, school 281 bus or motor vehicle in livery service shall file in the office of the 282 commissioner a special application, containing his name, residence 283 and post-office address and a description of the motor vehicle owned 284 or leased by him, which shall include the name of the maker and such 285 other information as the commissioner may require. The commissioner 286 may register such motor vehicle as a motor bus or as a service bus or as 287 a taxicab or as a school bus or as a motor vehicle in livery service or as 288 a school bus used in part in livery service; but no such registration 289 shall be issued to the owner or lessee of any such motor vehicle unless 290 it is in suitable condition for carrying passengers and is equipped as 291 required by law. The registration number and certificate of registration 292 of each such vehicle shall be special, and such certificate of registration 293 shall contain such information as the commissioner may require. No 294 registration shall be issued to the owner or lessee of a motor bus who 295 has not obtained a certificate of public convenience and necessity from 296 the Department of Transportation, in accordance with the provisions 297 of section 13b-80. No registration shall be issued to the owner or lessee 298 of a taxicab who has not obtained a certificate of public convenience 299 and necessity from the Department of Transportation in accordance 300 with the provisions of section 13b-97. No such vehicle shall be 301 registered unless the owner thereof has complied with the provisions 302 of section 14-29, and no such vehicle shall be operated upon any 303 highway without first being registered in accordance with the

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provisions of section 14-49, as amended. The commissioner may issue, to an applicant for registration of more than one motor bus, a certificate or certificates of registration containing a general distinguishing number and mark assigned to such applicant upon application to him therefor, which application shall be made in such form and contain such information as the commissioner may determine. Each motor bus included in such registration shall be regarded as registered under and having assigned to it such general distinguishing number and mark. The commissioner may impose upon the issuance and use of each such general registration such conditions, limitations and restrictions as he may determine. Such motor bus owners shall not be required to carry such certificates upon the vehicles registered under the provisions of this section, but shall keep a record of each person operating any motor bus so registered in sufficient detail to promptly identify such person at any specified time, which record shall be subject to the inspection of any officer designated by the commissioner. If any such registrant fails to keep such record or to produce it for inspection as hereinbefore provided, such failure shall be sufficient cause for the commissioner to cancel or suspend such registration. The commissioner may require of such registrant a bond satisfactory to him in an amount not to exceed ten thousand dollars, conditioned upon compliance with the laws of the state and the regulations of the commissioner concerning the use of such registration, number and mark, or otherwise conditioned as he may direct, which bond shall be forfeited for any violation of the conditions thereof. The commissioner may issue to the holder of any such general motor bus or interstate registration one or more registrations and number plates for motor vehicles in livery service which may be used interchangeably with such motor bus or interstate registration in accordance with such conditions and regulations as he may impose, provided the number of interstate registrations and number plates issued shall not exceed the number of intrastate registrations and number plates authorized by the Department of Transportation.

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- 338 (b) The certificate of registration of a motor bus, service bus, taxicab, 339 school bus and motor vehicle in livery service shall, at all times, be 340 carried upon such motor vehicle and shall be subject to examination 341 upon demand by any person authorized by law.
- (c) In order to obtain a certificate of registration pursuant to this
  section, the owner or lessee of a school bus shall submit to the
  commissioner documentation of compliance with the emissions control
  requirements pursuant to section 2 of this act.
  - [(c)] (d) Any person who violates any provision of this section shall have committed an infraction. Any person who violates any provision of subsection (b) of this section shall be fined, for the first offense, thirty-five dollars and, for each subsequent offense, not less than thirty-five dollars nor more than fifty dollars.
- Sec. 11. Section 14-164i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):
  - (a) The Commissioner of Environmental Protection, in consultation with the Commissioner of Motor Vehicles, shall review the technical information concerning testing techniques, standards and instructions for emission control features and equipment relative to diesel-powered commercial motor vehicles, including such information available from the United States Environmental Protection Agency and information regarding standards issued by the Society of Automotive Engineers and shall, not later than January 1, 1997, establish a standard of minimum exhaust emission for all diesel-powered commercial motor vehicles operated on the highways of this state. In establishing such standard, the commissioner shall also review standards in effect in other states and in regions subject to federal air quality requirements and shall endeavor to maintain consistency with such standards. The standard shall be reviewed by the commissioner periodically and may be revised as the commissioner deems appropriate. School buses shall meet the emissions standards contained in section 2 of this act. Not later than July 1, 1997, the Commissioner of Motor Vehicles, in

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consultation with the Commissioner of Environmental Protection, shall select a method or methods for testing the exhaust emissions of diesel-powered commercial motor vehicles <u>and school buses</u>.

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- (b) Not later than October 1, 1997, the Commissioner of Motor Vehicles shall provide for the commencement of emissions inspections of diesel-powered commercial motor vehicles and, on or after July 1, 2006, school buses operated on the highways of this state using the method or methods selected by the commissioner under subsection (a) of this section. Such inspections shall be performed in conjunction with any safety or weight inspection at any official weighing area or other location designated by the commissioner. In lieu of any such inspection performed by the commissioner, the commissioner may accept the results of an inspection performed (1) by agreement with an owner or operator of a fleet of diesel-powered commercial motor vehicles or school buses licensed by the commissioner pursuant to subsection (h) of section 14-164c, as amended, or (2) by any licensed motor vehicle dealer or repairer authorized by the commissioner, pursuant to this section, to establish a diesel-powered commercial motor vehicle or school bus inspection station. The Commissioner of Motor Vehicles shall design a sticker to be affixed to the windshield of a diesel-powered commercial motor vehicle or school bus which shall bear the date of inspection.
- (c) Any person, as defined in subsection (g) of this section, [14-164i,] whose vehicle fails to pass an inspection under subsection (b) of this section shall have the vehicle repaired and, within forty-five consecutive calendar days, present proof of emissions-related repairs of such vehicle in such form as the commissioner shall require. The commissioner shall issue a two-year intrastate waiver from compliance with emissions standards to any such vehicle failing to meet such standards but complying with the minimum repair requirements. For purposes of this section, the minimum repair requirements for diesel-powered commercial motor vehicles or school buses shall be the expenditure of one thousand dollars towards emissions-related repairs of such vehicle. The Commissioner of Motor Vehicles shall suspend the

commercial registration, issued pursuant to the provisions of this chapter, of any vehicle for which no proof of emissions-related repairs has been submitted within such forty-five-day period.

- (d) When a diesel-powered commercial motor vehicle <u>or school bus</u> fails to stop and submit to an emissions inspection performed in conjunction with any safety or weight inspection at any official weighing area or other location designated by the commissioner, or fails to comply with any provision of this section, the commissioner shall (1) suspend the registration privilege to operate the vehicle on the highways of the state, and (2) notify the jurisdiction in which the vehicle is registered and request said jurisdiction to suspend the registration of the vehicle.
- (e) The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this section.
- (f) No diesel-powered commercial motor vehicle <u>or school bus</u> shall be operated on the highways of this state unless such vehicle complies with the provisions of this section and the regulations adopted by the commissioner. Any person who operates or permits the operation of any such vehicle in violation of the provisions of this section or the regulations adopted by the commissioner shall be fined not more than two hundred dollars for a first violation and not more than five hundred dollars for a second or subsequent violation committed within one year after a previous violation.
- (g) For the purposes of this section, [(1) "commercial motor vehicle" shall not be construed to include a school bus, and (2)] "person" shall mean the person holding title to the vehicle or having legal right to register the same, including a purchaser under a conditional bill of sale and a lessee for a term of more than thirty days.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2006	New section
Sec. 2	July 1, 2006	New section
Sec. 3	July 1, 2006	New section
Sec. 4	July 1, 2006	New section
Sec. 5	July 1, 2006	New section
Sec. 6	July 1, 2006	New section
Sec. 7	July 1, 2006	New section
Sec. 8	July 1, 2006	12-412(67)
Sec. 9	July 1, 2006	12-412
Sec. 10	July 1, 2006	14-26
Sec. 11	July 1, 2006	14-164i

**ENV** Joint Favorable Subst.